

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED JAN 08 2016

UNITED STATES OF AMERICA

CONSENT PRELIMINARY ORDER OF
FORFEITURE/MONEY JUDGMENT

-v.-

12 Cr. 423 (AJN)

MINH QUANG PHAM,
a/k/a "Amin,"

COURT EXHIBIT # 5

Defendant.

DATE: 1/8/2016

TIME: _____

CASE: 12-cr-423(AJN)

WHEREAS, on or about May 24, 2012, MINH QUANG PHAM, a/k/a "Amin," (the "defendant"), was charged in a five-count Indictment, 12 Cr. 423 (AJN) (the "Indictment"), with conspiracy to provide material support to a foreign terrorist organization, in violation of Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E), and (F), and 3238 (Count One); providing material support to a foreign terrorist organization, in violation of Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E), and (F), 3238, and 2 (Count Two); conspiracy to receive military-type training from a foreign terrorist organization, in violation of Title 18, United States Code, Sections 371 and 2339D(a), (b)(3), (b)(5) & (b)(6), and 3238 (Count Three); receipt of military type training from a foreign terrorist organization, in violation of Title 18, United States Code, Sections 2339D(a), (b)(3), (b)(5) & (b)(6), and 3238 (Count Four); and Possessing carrying and using a firearm, in violation of Title 18, United States Code, Sections 924(c)(1)(A), (B)(i), and (B)(ii), 3238, and 2 (Count Five);

WHEREAS, the Indictment included a forfeiture allegation with respect to Counts One through Four of the Indictment seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461 of the following:

- a. all right, title, and interest in all assets, foreign and domestic;
- b. all right, title, and interest in all assets, foreign and domestic, affording a source of influence over al Shabaab and AQAP;
- c. all right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and
- d. all right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property;

including, but not limited to, a sum of money representing the value of the property described above as being subject to forfeiture;

WHEREAS, on January 8, 2016, the defendant pled guilty to Counts Two, Three, and Five of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation as to Counts Two and Three of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461, (i) a sum of money equal to \$10,000.00 in United States currency, representing property used or intended to be used to facilitate the terrorism offenses described in Counts Two and Three of the Indictment; and (ii) any and all other

property used or intended to be used to facilitate the terrorism offenses described in Counts Two and Three of the Indictment;

WHEREAS, the defendant consents to the entry of a Money Judgment in the amount of \$10,000.00 in United States currency, representing property used or intended to be used to facilitate the terrorism offenses described in Counts Two and Three of the Indictment; and

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorneys Sean S. Buckley, Anna M. Skotko, and Shane T. Stansbury, of counsel, and the defendant, and his counsel, Bobbi C. Sternheim, Esq., that:

1. As a result of the offenses charged in Counts Two and Three of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$10,000.00 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the defendant MINH QUANG PHAM, a/k/a "Amin," upon entry of this Preliminary Order of Forfeiture/Money Judgment, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of convictions therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon execution of this Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

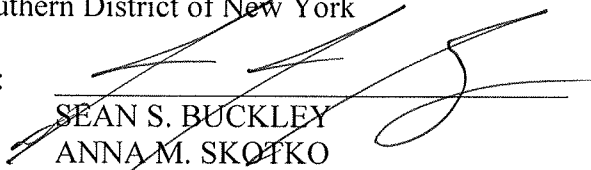
7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment to Assistant United States Attorney Jason Cowley, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

8. The signature page of this Consent Preliminary Order of Forfeiture as to Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

By:


SEAN S. BUCKLEY
ANNA M. SKOTKO
SHANE T. STANSBURY
Assistant United States Attorney
One Saint Andrew's Plaza
New York, New York 10007
(212) 637- 2261 / 1591 / 2641

1/6/16
DATE


MINH QUANG PHAM, a/k/a "Amin,"
DEFENDANT

By:


MINH QUANG PHAM
Defendant

1/6/16
DATE

By:


BOBBI C. STERNHEIM, ESQ.
Law Offices of Bobbi C. Sternheim
33 West 19th Street - 4th Floor
New York, NY 10011

1/6/16
DATE

SO ORDERED:


HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

1/8/16
DATE